

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH YELLOW HAMMER, SR.,

Defendant.

CR-17-22-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 21, 2020. (Doc. 73.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 21, 2020. (Doc. 70.) The United States accused Yellow Hammer of violating his conditions of his supervised release 1) by failing to report for substance abuse testing; 2) by failing to report for substance abuse treatment; and 3) by failing to reside at the residence approved by his probation officer. (Doc. 65.) At the revocation hearing, Yellow

Hammer admitted that he had violated the condition of his supervised release by 1) by failing to report for substance abuse testing; 2) by failing to report for substance abuse treatment; and 3) by failing to reside at the residence approved by his probation officer. Judge Johnston found that Yellow Hammer's violations warranted revocation, and recommended that Yellow Hammer should receive a custodial sentence of 5 months, with 14 months supervised release to follow. (Doc.73.)

The violations prove serious and warrant revocation of Yellow Hammer's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 73) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Joseph Yellow Hammer, Sr. be incarcerated for 5 month, with 14 months of supervised release to follow.

DATED this 2nd day of June, 2020.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court